

ORDINANCE NUMBER 1370

Final Publication Number 3376. First Publication in the Chronicle on August 13, 20145

City of Cambridge

In the Year Two Thousand and Fifteen

AN ORDINANCE

In amendment to the Ordinance entitled “Municipal Code of the City of Cambridge”

Be it ordained by the City Council of the City of Cambridge that the Municipal Ordinances of the City of Cambridge be amended:

Chapter 2.126 – Open Data Ordinance

2.126.010 – Title and Purpose

A. This Chapter shall be known as the “Open Data Ordinance.” The purpose of this ordinance is to ensure that, in an increasingly technological age, the City of Cambridge (the “City”) is committed to providing the public with a high level of transparency, engagement and collaboration in City government.

B. The City shall make reasonable efforts to make the Open Data available, on a schedule determined by the City Manager.

C. The City anticipates that making government data open in easy to find and usable formats will create effective and meaningful opportunities for the City and members of the public to work collaboratively to generate new ideas to solve complex challenges. An open data initiative will allow a more diverse body of expertise to develop new analyses, insights and findings that will allow the City to provide more efficient and effective government services.

D. This initiative must be balanced with the City’s obligation to protect private and confidential information and to ensure public safety and security, and the need to conduct City operations in an efficient and effective manner.

2.126.020 – Definitions

As used in this Chapter:

A. “API” shall mean an application programming interface that specifies how software components should interact with each other.

B. “Data” or “Data Sets” shall mean a collection of final versions of relevant statistical, factual, geographical, or other information:

1. collected in an alphanumeric form reflected in a list, table, graph, chart, or similar form that can be digitally transmitted or processed;
2. regularly created or maintained by or on behalf of and owned by the City that records a measurement, transaction, or determination related to the business of the City;
3. includes metadata, if available, consistent with core metadata standards at a level of granularity recommended by the Open Data Review Board (defined below) and a description of the methods used in creating the Data or Data Set, including a comprehensive list of sources;
4. maintained in a manner that is Machine Readable.

Data or Data Sets shall not include Protected Data (defined below) or information provided to the City by other governmental entities. Nothing in this Chapter shall be deemed to prohibit the City from voluntarily disclosing information not otherwise defined in this section as “Data” or “Data Sets,” including, when appropriate, narrative in machine readable text, as long it is not Protected Data.

C. “ITD” means the City’s Information Technology Department.

D. “Machine Readable” means in a format that is reasonably structured to allow automated processing.

E. “Massachusetts Public Records Law” shall mean M.G.L. c. 4, § 7(26), M.G.L. c. 66, § 10, and 950 CMR 32.

F. “Protected Data” means any Data or Data Set:

1. that is exempt from disclosure pursuant to Massachusetts Laws, including but not limited to the Massachusetts Public Records Law; or
2. that contains a significant amount of Data and where the disclosure of such Data would impose an undue financial or administrative burden on the City; or
3. that reflects the internal deliberative or administrative process(es) of the City, including, but not limited to, Data and Data Sets relating to negotiating positions, future procurements or pending or reasonably anticipated legal or administrative proceedings; or
4. that is subject to privacy laws, student records laws or subject to copyright, patent, trademark or trade secret protection, or to a confidentiality agreement, attorney/client privilege or that are otherwise protected by law or contract; or
5. that includes or constitutes proprietary applications, computer code, software, operating systems or similar materials; or

6. that includes or constitutes employment records, internal employee-related directories or lists, facilities data, information technology, or internal service-desk data of the City; or

7. which, if disclosed by the City, might in the City's discretion, raise privacy, confidentiality or security concerns or jeopardize or have the potential to jeopardize public health, safety or welfare.

G. "Open Data Review Board" refers to a board established by the City Manager to develop, under the direction of the City Manager, rules and standards for implementation of an Open Data policy.

H. "Open Data" shall mean all Data or Data Sets that the City makes accessible to the public pursuant to this Ordinance.

2.126.030 –Data Accessibility

A. For the purpose of identifying which Data or Data Sets shall be made accessible as Open Data, the City shall consider whether the information in the Data or Data Set:

1. improves public knowledge of the operations of the City or furthers the goals of the City; or
2. increases City accountability, efficiency, responsiveness or delivery of services; or
3. makes available data frequently requested by the public or City departments; or
4. adds to the public knowledge about Cambridge.

B. Such efforts shall be consistent with the rules and standards established by the City Manager and with applicable laws, including Massachusetts Public Records Law and all applicable privacy, confidentiality, security, accessibility and student records laws and otherwise legally confidentially and/or privileged information.

C. The disclosure of Protected Data shall be prohibited.

D. Data or Data Sets shall be updated in a reasonable manner, using automated processes to update data when possible, including real-time data when appropriate, to preserve the integrity and usefulness of the Data or Data Sets.

2.126.040 – Public Data Access

A. The ITD shall provide and manage a website to make Open Data and Data Sets accessible to the public. The website will include information of all available Open Data and Data Sets. This information additionally shall be available in a Machine Readable format.

B. Open Data and Data Sets will be accessible to external search capabilities.

C. Open Data or Data Sets shall be free of charge. Open Data or Data Sets will be accessible without the use of a user account or password. The Open Data Review Board shall recommend to the City Manager whether alternative methods of accessing the Open Data or Data sets [such as API] should require authentication.

2.126.050 – Procurement

The City Manager will make best efforts to ensure that relevant new software purchased by the City includes capabilities that allow the City to comply with this Chapter when fiscally and operationally attainable, as determined by the City Manager. The City shall stipulate in contracts and agreements with external vendors, where appropriate, provisions to ensure that the City retains ownership of all City data, and that all data, except Protected Data produced by vendors, meet the definition of Open Data.

2.126.060 – Open Data Review Board established -- Standards and Compliance

A. An Open Data Review Board will be established by the City Manager within one hundred and twenty (120) days from the Effective Date of this Chapter, to recommend to the City Manager rules and standards for implementation of an Open Data policy, including a means by which to determine the Data or Data Sets that are appropriate for public accessibility and a timeline for policy implementation. When reviewing which Data or Data Sets are suitable for accessibility, the Open Data Review Board shall make recommendations to the City Manager about what Data or Data Sets are appropriate to be made accessible. The Open Data Review Board will be comprised of no fewer than five (5) members selected by the City Manager, including at least three (3) members of the public selected by the City Manager for a two-year term and at least one (1) representative from the ITD. The City Manager shall solicit nominations for members of the Review Board and shall make public member appointments from the public, private, academic, or nonprofit sectors. The Open Data Review Board shall meet regularly at such times as determined by the City Manager.

B. The City Manager will report periodically to the City Council and the public on the status of the implementation of this Chapter. This report shall be made available in an open format.

2.126.070 – Open Data Legal Policy

A. Data or Data sets made available on the website are provided for informational purposes only. The City does not warrant the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set made accessible on the website, nor are any such warranties to be implied or inferred with respect to any such Data or Data Sets.

B. The City shall not be liable for any deficiencies in the completeness, accuracy, content or fitness for any particular purpose or use of any Data or Data Set, or application utilizing such Data or Data Set provided by the City or any third party.

C. This Chapter shall not create any private rights or any private right of action to enforce its provisions. Failure to comply with this Chapter shall not result in any liability of the City or its employees.

D. Any user of Open Data or Data Set distributed by the City may modify, use and publish such Open Data or Data Set without charge.

E. No user shall have intellectual property rights or proprietary interests in the Open Data or Data Set, including without limitation any written materials, logos, trademarks, trade names, copyrights, patent applications, patents, know-how, trade secrets or moral rights. No use of this Open Data or Data Set shall be deemed to constitute a partnership or joint venture between the user and the City or between a third party and the City.

In City Council September 21, 2015.

Passed to be ordained as amended by a yeas and nays vote:-

Yeas 9; Nays 0; Absent 0; Present 0.

Attest:- Donna P. Lopez, City Clerk.

A true copy;

ATTEST:-

Donna P. Lopez
City Clerk